

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
(TEXARKANA DIVISION)**

**GHJ HOLDINGS, LLC,
Relator,**

vs.

**GRINDMASTER-CECILWARE
CORPORATION,
Defendant.**

§
§ **Case No.: 5:11-cv-098 (TJW)**
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§ **JURY TRIAL DEMANDED**

ORDER

Came on for consideration the Stipulation of Dismissal of the Case Pursuant to Act of Congress filed jointly by the parties.

It is HEREBY THE ORDER of this Court that the case is dismissed pursuant to the Stipulation as follows:

Except as specifically provided in the paragraph below, this case is dismissed: (i) without prejudice to the United States' right to re-file its own claim Plaintiff may for the penalty provided thereunder; (ii) with prejudice to the Plaintiff solely on the basis that the Act has retroactively eliminated Plaintiff's standing to bring a claim under 35 U.S.C. §292 against Defendant; and (iii) with each party bearing its own attorneys' fees, costs and expenses.

In the event (and only in the event) that the Act (or the portion thereof that pertains to amendments to 35 U.S.C. §292) is finally held unconstitutional (as retroactively applied to relators like Plaintiff, or otherwise) by the United States Court of Appeals for the Federal Circuit and/or the United States Supreme Court, within 45 days thereof Plaintiff may re-file litigation against Defendant under 35 U.S.C. §292.

SIGNED this 7th day of February, 2012.



DAVID FOLSOM
UNITED STATES DISTRICT JUDGE